TL332

Topic 345 Gregorio Defence Speech - 1
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`THE TRUTH UNDER WRAPS'
Defence speech of GREGORIO DA CUNHA SALDANHA alias GIRY alias MOURIS
DILI, 30 MAY 1992
Translated and abridged by ALISON MURRAY

1. INTRODUCTION
I give thanks and praises to God for the opportunity to give this simple defence speech. My intention in this speech is not to lighten or oppose the Public Prosecutor's accusations but to assist in my people's struggle for freedom. The reason I sit in this defendant's chair is because I love freedom, my people, my land, and our human rights. I know this court is a place for establishing truth and justice, so I will do my best to describe honestly my aspirations, my actions and my experiences up to now.

On 12 November 1991 occurred a mass demonstration of about 10,000 people. It began at Motael Church, passed in front of Seroja Theatre, turned left at KODIM 1627 and proceeded to Santa Cruz Cemetery. Some of the demonstrators carried banners and flags, and the march was enlivened with shouting of slogans.

The demonstration was a reaction to the attack on Motael Church by intelligence forces (intel) on 28 October. The attack resulted in the death of a nationalist youth, SEBASTIRO GOMES, and injury to another nationalist youth, Felix Amaral, who was seeking refuge in the church. One of the intel group also died, Afonso Henriques.

The bannes included:
-XANANA GUSMAO IS A SYMBOL OF NATIONAL UNITY
-SEBASTIAO IS DEAD, WHAT ABOUT THE FATE OF THE REST OF US?
-UN SECRETARY-GENERAL, WE ARE WAITING FOR THE PORTUGUESE DELEGATION
-DIALOGUE IS THE ROAD TO A SOLUTION FOR EAST TIMOR

The flags included:
-UN, FALINTIL, UDT, FRETILIN, OJETIL

The slogans included:
-LONG LIVE SEBASTIAO
-LONG LIVE XANANA GUSMAO
-LONG LIVE THE MAUBERE PEOPLE
-LONG LIVE THE TIMORESE NATIONAL COALITION

On the way to Santa Cruz the march became bigger and livelier, but this liveliness was instantly silenced by gunfire from the security forces. The corpses were laid out, the wounded were hit with rifle butts, stabbed, beaten and dragged away. The cries of the victims filled the area, which became red with a lake of the blood of the young heroes who were the hope of the Timorese people.

That was the tragedy called the SANTA CRUZ MASSACRE which I experienced. The human rights of the Timorese peope are silenced by the power of arms, and the solution to problems arising in East Timor is at the end of a gun. The price of our freedom is very dear: to get it we have sacrificed everything, and our souls, for more than 16 years.

After the demonstration on 12 November I was hospitalised for 6 days at RS Wirahusada (military hospital) because of a gunshot wound, then taken by police to the regional police office (POLWIL) to be interrogated up until I now sit in this defendant's chair.

2. BACKGROUND

(The factors which influenced his involvement in the anti-integration struggle: the invasion of 1975, massacres, the fence-of-legs operation, forced movement of Timorese people and filling of areas with transmigrants)

The army destroyed traditional sacred places (uma lulik), eg. those I know of at Bibisusu, Holulu, Hoholau, Fatubosa, Aileta, Ailalek ....

They formed armed groups, such as Makikit Team, Sera Team, Railakan Team, among the people in order to divide and rule, to induce mutual animosity and attacks. Intel groups called NINJA attack our houses in order to terrify the people (gives examples including the 28 October attack).

They do not respect our religion or our priests (gives examples including the destruction of holy objects and statues of the Virgin Mary, shouting of insults "Mother Mary doesn't wear underpants") such things had never occurred in 500 years of Portugese rule or 3.5 years of Japanese occupation.

All these events are facts which have resulted from the concerted efforts to shove aside our cultural values, destroy our religious values, smash our self- esteem and national identity and even to systematically exterminate my people and our right to live on this earth. The indiscriminate slaughter of the demonstrators at Santa Cruz was clearly part of the effort to exterminate my people.

(He discusses the history of the independence struggles of colonised peoples and the school lessons and films about Indonesia's achievement of independence and the constitution of 1945. Indonesia's struggle against the Dutch colonists is an inspiration and motivation for his people to free themselves from foreign domination)

The 1945 Constitution states: That freedom is the right of all peoples and because of that, colonialism must be wiped out across the world because it is not in accordance with humanity and justice.

We learn at school that the human rights of a nation are extremely valuable and cannot be exchanged for big buildings, tarmac roads, modernised education etc. We can see that development by the Indonesian government has rapidly advanced in the last 16 years, compared with what Portugal achieved in 500 years. But has the Indonesian government implemented tis infrastructure development as exchange for our self-esteem, dignity, identity, and the extermination of our nation? If this is so, then we of the PEOPLE born in this LAND, absolutely REJECT IT!

(he discusses the process of decolonisation and integration and the role of the UN. The formation of political parties, the declaration of independence by Fretilin in 1975, the reactive Balibo declaration by the other parties, the UN's resolutions on East Timor's rogjt to self-determination, Portugal's continuing role) (he quotes from church leaders' letters in support of a referendum for the Timorese, including Bishops Belo)

..... cont. Part 2 (In welcoming...)

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In welcoming the proposed visit by a Portuguese Parliamentary delegation (DPP), the area commander (PANGALAKOPS) Brigjen Warouw said in an interview with Radio Australia on 15 October 1991, `During the Portuguese parliamentary delegation's visit to East Timor, we will guarantee the safety of anyone who wishes to demonstrate - as long as they do not disturb the general order and security'.

This statement gave me the inspiration, motivation and awareness to become part of the opposition to integration, which is not right. As a son of this land and integral part of the Timorese people I feel responsible to do my best to retain the identity and dignity of my people.....

Nevertheless, whatever we do we are labelled security distubing group (GPK), communists, frustrated yourths who cannot get work etc. We are not seen as an integral part of the Timorese people demanding our most basic human right according to the Universal Declaration of Human Rights which is repeated at the beginning of the Indonesian constitution.... Isn't it more appropriate that the labels GPK, communist, frustrated, are applied to those who arrest, kill, attack homes and people in the street, destroy sacred sites (lulik), rape, hit our priests etc?

I was head of a group of youths called CANJT (National Resistance Committee for Timorese Youth), with the aim of helping achieve freedom for East Timor, and joined a group called EC (executive committee) as a mediator for the aspirations of the CNRM (Council of Nationa Maubere Resistance), which sought to find a peaceful solution through open dialogue between representatives of the Portuguese parliament, Indonesian parliament and UN who were to arrive in November 1991. The EC would mediate if the CNRM itself was obstructed.

CANJ believes the best future for East Timor is FREEDOM according to fundamental human rights... however we are well aware that other roads to the future may be chosen by our people, as is also their right. We do not dismiss the possibility of accepting and respecting any choic made by our people as long as the choice is made in a safe, free, democratic situation under the auspices of the UN.

As a Timorese nationalist youth I feel proud to sit in this defendant's chair... this is not the end of a problem which has gone on for 17 years, it is an encouragement to the children and grandchildren to become canditdates for the defendant's chair in the future, so the problem will not go away. As a Timorese nationalist youth I believe that to sit in this chair is a political victory which will be recorded in the history of my people's struggle and will inspire nationalism and patriotism in the children and grandchildren. The arrogance and strength of arms has been able to kill our people since 7 December 1975, but it has not killed our patriotic spirit.... future generations will continue the struggle. If we have lost today, tomorrow we will surely win...

Sitting in this chair I represent one of the victims of the continuing problem of East Timor. However I feel very lucky because I still have the chance to speak here before I become a corpse, unlike my compatriots of the last 17 years and those slaughtered at Santa Cruz on 12 November 1991. They had no chance to open their mouths like me; they were silenced by bullets and that silence was immediate. They were true heroes. Their blood and souls carve the history of our struggle.

3. ARREST AND DETENTION

While I was hospitalised at RS Wirahusada I was interrogated by an SGI member for 2 days. After 6 days, on 18 November, I was taken by police to POLWIL. While I was held at Rutan POLWIL I was interrogated in rotation day and night. On a date I don't remember in November, I

was interrogated from afternoon until morning. At the time even though I was very weak due to my gunshot wound, I was hit and threatened by the interrogator Martinus Wae. I was surrounded by other police, some of whom pulled out my beard. I was forced to say what the interrogator wanted, which was not according to the true facts.

On a date I don't remember at the end of November I was interrogated in the middle of the night by prosecutors and deputy police chief in the data room of Polwil. The deputy police chief hit me int he presence of the prosecutors, including the Pubic Prosecutor, to force me to give names of native officials, priests and business owners who supported our struggle. Because I could no longer bear this inhumane treatment and because I was weakened by my gunshot wound, I carelessly gave names of high officials, priests and business owners who knew nothing and had no link with me, following the saying, "As long as the boss is happy".

At the beginning of December I was urged by the assistant public prosecutor, Tamher, to give names of youths in CRNJT, and say that they carried firearms and knives in the 12 November demonstration, with the guarantee that I would be free, lightly or at least responsibly treated. But because I felt this was not true, I refused.

At the beginning of February, I was urged by Martinus Wae to give a false statement against a demonstrator called Antonio Belo, aged 30 and illiterate, that he carried a banner and flag. The interrogator said Antonio had already confessed his involvement. But because I believe true evidence is that which is seen, heard and experienced, I refused.

At the beginning of May I was advised by the public prosecutor, Supardi, that I should choose a local lawyer, Ponco. If I chose a lawyer from the YLBHI Jakarta there would be a conflict between the lawyers and the victim would be the defendant. This was repeated by police lieutenant Bambang. Prosecutors said the same thing to other defendants. Because I believe that the choice of lawyer is the defendant's right, I said nothing.

May be the demand for a life sentence, the heavy load which I received on 20 May in this court, is the result. I am surprisdd that the prosecutors and police would be worried about the YLBHI team defending me. The members of this team are sons of Indonesia from birth, who wish to suppor the process of the law in East Timor. Does the legal establishment here have as little faith in Jakarta lawyers as it does in people like me, who were not born Indonesian?

When i was first interrogated at RS Wirahusada by an SGI membr, Lt. Edy, he showed me a photo of a youth called Aje Nuno who lives on the north side of Santa Cruz. In the phot he posed holding a banner with a picture of Xananam at the time of the demonstration in front of the cemetary gates. Edy said this youth is a member of SGI. As well as that, I knew that 3 of the wounded who were in the same hospital confessed to being intel agents. And in fact, while the march was proceeding, these youths and others I didn't know carrying banners ran in front of the march and ignored our requests to walk slowly and be disciplined.

At the end of November the Assistant intel, Col. Gatot Purwoanto said in the interrogation room of Polwil that Constancio Pinto (member of EC) was one of his men. He repeated this when I met with Major-General Sintong Panjaitan (East Indonesia commander) in the presence of the East Timor police chief.

My conclusion from the above is that: `The intel purposely infiltrated their agents into our side to influence u3 hnd to incite the demonstrator to take actions which would invite a reaction from the security forces, such as occurred at the demonstration of 12 November' It is clear that if the demonstrators had any firearm or knife or fired any shots, then this was a pre-arranged plan by intel.

...cont. part 3 (4/5 response to the charges...)

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4/5. RESPONSE TO THE CHARGES
(Charged under the Anti-Subversion Law of 1963) - I have no intention of subverting the power and authority of the legitimate government of the Republic of Indonesia. I respect the Republic of Indonesia, the Pancasila and constitution are wrongly and inappropriately applied in East Timor.

(repeats argument about human rights and the role of the UN and that feelings of emnity, confusion, disturbance, are the creation of the Portuguese who abandoned their colony and did not take responsibility. His struggle is not `subversive' but a legitimate expression of the right to oppose colonial and foreign domination).

6. RESPONSE TO WITNESSES STATEMENTS

-emphasises that the CRNJT had nothing to do with previous demo for John Monjo as it was not formed then;
-that the CE was a temporary group set up to mediate between CNRM and the Portuguese delegation;
-Xanana chose the road of peaceful dialogue, not because Fretilin has no arms, but because armed struggle will only prolong the suffering of the people;
-that his role in CE was to prepare banners and to contact the youth, not to incite the demonstrators;
-that the CE only sought to assist in achieving dialogue between all parties and it would accept the end result of that process whether it be independence, integration or whatever;
-that he did not see any weapons among the demonstrators, nor hear shots from them, nor hear warning shots from the security forces: "Were any security forces wounded or killed at Santa Cruz by bulets from the demonstrators? Were any of them wounded or killed by demontrators attacking them with knives? Or were the arms carried by the demonstrator then used to kill themselves, and that caused the great pile of corpses at the Santa Cruz cemetery?"

-he did not see a pistol fired or grenade thrown by the demonstrators;
-the T-shirts, banners and flags were brought by the demonstrators and not from a stock at Motael church;
-he did stand on the wall of Santa Cruz with a megaphone, in order to say to the people: "everybody stay queit and enter the cemetery to pray".
-in response to the objects produced in evidence, he acknowledges flags, banners, T-shirt saying OJETIL and a camera. He does not acknowledge as being at the demo: broken glass, stone thrown at windows, various knives, axes and lengths of iron, firearms incluing 3 mausers, 1 G-3 rifles, 3 pistols, 6 grenades and tens of bullets.

(7. - deals with the events leading up to and during the demo, following the prosecution's allegation)

8. CONCLUSION

Looking at the background I have explained above which influenced my actions, I feel that I was not mistaken and that my actions were right. It is appropriate and responsible for a son of East Timor such as myself to look and learn from the past, and to act and prepare for the future.

However, today I put my life into the hands of the honourable judge, who will decide my life or death.

Like all that is conscious in this world, I wish for freedom like the birds in the sky and the fish in the sea!

So this is my defence speech to the court, not forgetting to offer my deepest apologies if there is anything in it to offend the feelings of any party, especially the honourable gentlemen I have offended here. I only do this because I want to open my heart and speak with complete honesty to the court. Finally I give my thanks to all parties who have assisted in this court process. In the hope that God Almighty will forgive us all for our mistakes and show us the right path.

FURTHER NOTES

1. The Jakarta (YLBHI) lawyers' defence for Gregorio and Francisco:
- This is largely based on historical and legal argument and analysis of the 1963 presidnetial decree known as the Anti-Subversion law:
-this law was made during a time of emergency and military confrontation with Malaysia, and is not appropriate after the return to a more democratic government.
- The law itself contains internal contradictions and does not follow the procedures set down for laws. It is against the 1945 constitution and against Pancasila ideology.
-Whereas laws should fundamentally contain clarigy and fairness, this law is vaguely written and has been used against all kinds of people, from peaceful demonstrators to electricity thieves.
-In 1966 Suharto's New Order government decided that all previous laws should be re-passed witin 2 years if they were to remain valid. This law was re-passed in 1969. However, the charges in these Dili cases refer to the 1963 law.

2. Constancio Pinto is mentioned in serveral documents so we have to ask why he was not charged: The charges against Francisco state that Pinto was head of the CE and received/sent messages to Xanana. He invited an Australian Timorese to a CE meeting and introduced Fernando from Ball to the CE, and arranged the visit of English journalists in September 1991. On 10 November Gregorio received the order for the 12 November demo from pinto. Juvencio de Jesus Martin's defence speech questions why CE mmembers Xavier and PInto were not charged:

`Constancio Pinto, who as head of the CE caused the defendant to be sitting in court, and Agusto Filipe Gama Xavier whose status is completely uncertain, whether purposely or not purposely have never appeard or been made to appear to explain this matter, which can be called a great mystery.'

Martins' defence says that it was Pinto who informed the others about the Portuguese delegation and proposed organising a demo. Later he told them that the Portuguese were not coming but the UN representative was, and changed the plan. Pinto's proposal for the 12 November demo was opposed by Francisco, but Martins did not know the outcome of this conflict.

END.